



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/043,935

01/11/2002

Petri Nykanen

NOKM.018PA

9367

7590 10/12/2007
Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER

AIRES, BENJAMIN A

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/043,935

Applicant(s)

NYKANEN ET AL.

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-9, 11-20, 24-26 and 29-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-20, 24-26 and 29-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application is in response to correspondence filed 26 July 2007.
2. Claims 1-4, 6-9, 11-20, 24-26 and 29-46 remain pending.

Response to Amendment

3. Applicant's amendment to the claims have been entered into the record and overcome the prior rejection made under 35 USC 112, second paragraph.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 7-9, 12, 13, 15, 16, 18-20, 25, 26, 31-34, 39, 40, 43 and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker et al. (US 7,080,138 B1), hereinafter referred to as Baker.

6. Regarding claim 1, Baker discloses a method for selecting a network service within a network having a plurality of network services, including:

providing a plurality of interface modules each capable of establishing communications with one or more of the plurality of network services, wherein the plurality of network services comprise web services (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network);

providing one logical access point to the plurality of interface modules to facilitate a service request from an application, the service request including one or more service related parameters (col. 5, ll. 1-6; requests are forwarded to a server selection system);

determining, via a web services registry, service parameters that describe application interfaces of the plurality of web services (col. 5, ll. 2-3 and figure 1, item 111 – authoritative name server);

comparing the one or more service related parameters to service parameters associated with the plurality of network services, and in response, automatically selecting the network service whose service parameters provide the greatest compatibility with the one or more service related parameters (col. 5, ll. 27-30, server(s) are selected that can best provide content client seeks); and

automatically establishing a connection between the application and the selected network service via the logical access point (col. 7, ll. 36-39, content server is selected and connected through transmission lines).

7. Regarding claim 2, Baker discloses the method wherein providing a plurality of interface modules comprises providing a plurality of software objects accessible by message received from the one logical access point (col. 6, ll. 9-15).

8. Regarding claim 3, Baker discloses the method further comprising receiving the one or more service related parameters via the one logical access point (col. 4, ll. 51-56).

9. Regarding claim 4, Baker discloses the method further comprising receiving the one or more service related parameters via an external connection (col. 4, ll. 59-61).

Art Unit: 2142

10. Regarding claim 7, Baker discloses the method wherein providing a plurality of interface modules comprises providing a plurality of network address translation proxies accessible by messages received from the one logical access point (col. 4, ll. 54-67).

11. Regarding claim 8, Baker discloses the method further comprising receiving the one or more service related parameters via the one logical access point (col. 4, ll. 51-56).

12. Regarding claim 9, Baker discloses the method further comprising receiving the one or more service related parameters via an external connection (col. 4, ll. 59-61).

13. Regarding claim 12, Baker discloses a system for facilitating selection of a network service in response to a service request and associated service request parameters, comprising:

a plurality of service components distributed within at least one network, wherein the plurality of service components comprise web service components (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network); and

an interface module having a plurality of interface objects each capable of establishing communications with one or more of the plurality of service components, the interface module (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network) including:

a lookup object in communication with a web services registry to establish connection parameters required between the one or more of the plurality of service components and one of the plurality of interface objects (col. 5, ll. 1-6; requests are forwarded to a server selection system);

a data object in communication with the lookup object to provide parameters identifying attributes associated with the plurality of service components, wherein the attributes describe application interfaces of the plurality of service components (col. 5, ll. 1-6; requests are forwarded to a server selection system); and

a single logical access point to allow external access to the plurality of interface objects, wherein the network service having attributes that are most compatible with the associated service request parameters is automatically selected by the lookup object, wherein the logical access point facilitates automatically establishing a connection between an originator of the service request and the selected network service (col. 5, ll. 27-30, server(s) are selected that can best provide content client seeks).

14. Regarding claim 13, Baker discloses the system wherein the plurality of interface objects includes software objects accessible by messages received from the single logical access point (col. 6, ll. 9-15).

15. Regarding claim 15, Baker discloses the system wherein the lookup object comprises a decision function to receive the associated service request parameters and to provide the required connection parameters in response to the associated service request parameters (col. 6, ll. 18-27).

16. Regarding claim 16, Baker discloses the system wherein the plurality of interface objects includes a plurality of network address translation proxies accessible by messages received from the single logical access point (col. 4, ll. 54-67).

17. Regarding claim 18, Baker discloses the system wherein the lookup object comprises a decision function to receive the associated service request parameters and

to provide the required connection parameters in response to the associated service request parameters (col. 6, ll. 18-27).

18. Regarding claim 19, Baker discloses a computer-readable storage medium having computer-executable instructions for selecting a network service from a network having a plurality of network services and associated service attributes that describe application interfaces of the plurality of web services, the computer-executable instructions performing steps comprising:

providing a plurality of interface modules each capable of establishing communications with one or more of the plurality of network services, wherein the plurality of network services comprise web services, wherein one logical access point to the plurality of interface modules allows external invocation of the network service by an application (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network);

determining, via a web services registry, the attributes associated with the plurality of network services (col. 5, ll. 2-3 and figure 1, item 111 – authoritative name server);

receiving network service related parameters with the invocation (col. 5, ll. 1-6; requests are forwarded to a server selection system);

automatically selecting the network service whose associated service attributes most closely match the service related parameters (col. 5, ll. 27-30, server(s) are selected that can best provide content client seeks); and

automatically establishing a connection between the application and the selected network service (col. 7, ll. 36-39, content server is selected and connected through transmission lines).

19. Regarding claim 20, Baker discloses the computer-readable storage medium wherein the computer-executable instruction step of providing a plurality of interface modules comprises providing a plurality of software objects accessible by messages received from the one logical access point (col. 6, ll. 9-15).

20. Regarding claim 25, Baker discloses the computer-readable storage medium wherein the computer-executable instruction step of providing a plurality of interface modules comprises providing a plurality of network address translation proxies accessible by messages received from the one logical access point (col. 4, ll. 54-67).

21. Regarding claim 26, Baker discloses the computer-readable storage medium wherein the computer-executable instruction step of receiving service related parameters comprises receiving the service related parameters via the one logical access point (col. 4, ll. 54-67).

22. Regarding claim 31, Baker discloses the method wherein selecting the network service further comprises using a cost function of the one or more service related parameters to select the most cost effective network service from the plurality of network services (col. 7, ll. 36-39).

23. Regarding claim 32, Baker discloses the method wherein selecting the network service further comprises using a cost function of the one or more service related

parameters to select a most cost effective network service from the plurality of network services (col. 7, ll. 36-39).

24. Regarding claim 33, Baker discloses the method further comprising automatically establishing a connection between the application and the selected network service (col. 5, ll. 27-30).

25. Regarding claim 34, Baker discloses the system wherein the lookup object automatically connects the selected network service to the external access via the interface objects (col. 5, ll. 27-30).

26. Regarding claim 39, Baker discloses an interface module for facilitating selection of a network service in response to a service request and associated service request parameters, the interface module comprising:

a plurality of interface objects each capable of establishing communications with one or more of a plurality of service components distributed within a network, wherein the plurality of service components comprise web service components (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network);

a lookup object in communication with a web services registry to establish connection parameters required between the one or more of the plurality of service components and one of the plurality of interface objects (col. 5, ll. 1-6; requests are forwarded to a server selection system);

a data object in communication with the lookup object to provide parameters identifying attributes associated with the plurality of service components, wherein the

Art Unit: 2142

attributes describe application interfaces of the plurality of service components (col. 5, ll. 1-6; requests are forwarded to a server selection system); and

a single logical access point to allow external access to the plurality of interface objects, wherein the network service having attributes that are most compatible with the associated service request parameters is automatically selected by the lookup object, wherein the logical access point facilitates automatically establishing a connection between an originator of the service request and the selected network service (col. 5, ll. 27-30, server(s) are selected that can best provide content client seeks).

27. Regarding claim 40, Baker discloses the module wherein the plurality of interface objects includes software objects accessible by messages received from the single logical access point (col. 6, ll. 9-15).

28. Regarding claim 43, Baker discloses the module wherein the plurality of interface objects includes a plurality of network address translation proxies accessible by messages received from the single logical access point (col. 4, ll. 54-67).

29. Regarding claim 46, Baker discloses the module wherein the lookup object automatically connects the selected network service to the external access via the interface objects (col. 5, ll. 27-30).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

32. Claims 6, 11, 14, 17, 24, 29, 30, 35-38, 41, 42, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker in view of Sullivan et al. (US 2002/0040390), hereinafter referred to as Sullivan.

33. Regarding claim 30, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics but does not explicitly teach the service related parameters including a business agreement portion. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to

combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

34. Regarding claim 6, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics but does not explicitly teach the service related parameters including a business agreement portion and the initiation of a business agreement. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data and when subscription data is lacking, a network service offer can be made (p. 2, para. 0025) which teaches on the aspect of a business agreement portion and the initiation of a business agreement to a user. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements and also enable the initiation of business agreements with a user. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

35. Regarding claim 11, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics but does not explicitly teach the service related parameters including a business agreement portion and the initiation of a business agreement. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data and when

Art Unit: 2142

subscription data is lacking, a network service offer can be made (p. 2, para. 0025) which teaches on the aspect of a business agreement portion and the initiation of a business agreement to a user. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements and also enable the initiation of business agreements with a user. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

36. Regarding claim 14, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics that teaches on the claimed matchmaking function but does not explicitly teach the service related parameters promoting a business agreement portion. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of promoting a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to combine Sullivan with

Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

37. Regarding claim 17, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics that teaches on the claimed matchmaking function but does not explicitly teach the service related parameters promoting a business agreement portion. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of promoting a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

38. Regarding claim 24, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics but does not explicitly teach the service related parameters including a business agreement portion and the initiation of a business agreement. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data and when subscription data is lacking, a network service offer can be made (p. 2, para. 0025) which teaches on the aspect of a business agreement portion and the initiation of a

Art Unit: 2142

business agreement to a user. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements and also enable the initiation of business agreements with a user. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

39. Regarding claim 29, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics but does not explicitly teach the service related parameters including a business agreement portion and the initiation of a business agreement. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data and when subscription data is lacking, a network service offer can be made (p. 2, para. 0025) which teaches on the aspect of a business agreement portion and the initiation of a business agreement to a user. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements and also enable the initiation of business agreements with a user. One of ordinary skill in the art would have been motivated to combine

Art Unit: 2142

Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

40. Regarding claim 35, Baker teaches a method for selecting a service component from a network having a plurality of service components, wherein the plurality of service components comprise web service components, the method comprising: providing a plurality of interface modules capable of establishing communications with the plurality of service components (Fig. 1 and col. 4, ll. 43-46, various sites and nodes communication through a network); and determining, via a web services registry, service parameters that describe application interfaces of the plurality of service components (col. 5, ll. 2-3 and figure 1, item 111 – authoritative name server). Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics and a service request being submitted (col. 5, ll. 1-6; requests are forwarded to a server selection system) but does not explicitly teach the service related parameters including a business agreement portion. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low

cost features and make services more readily available to users (p. 1, para. 0015).

Baker and Sullivan teach the automatically selecting the service component that is included in the business agreement portion of the service request, wherein the service component is automatically connected to the application in response to automatically selecting the service component (Baker, col. 5, ll. 27-30, server(s) are selected that can best provide content client seeks; Sullivan p. 2, para. 0025).

41. Regarding claim 36, Baker and Sullivan teach the method wherein the service parameters further include a cost function to facilitate selection of the service component whose cost is minimized when more than one compatible service component exists in the business agreement portion (Baker, col. 7, ll. 36-39).

42. Regarding claim 37, Baker and Sullivan teach the method wherein the service parameters further include an application identification to facilitate selection of the service component whose service level is commensurate with the application identification (Baker, col. 4, ll. 54-67).

43. Regarding claim 38, Baker and Sullivan teach the method wherein the service parameters further include an application identification to facilitate selection of the service component whose service level is commensurate with the application identification (Baker, col. 4, ll. 54-67).

44. Regarding claim 41, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics that teaches on the claimed matchmaking function but does not explicitly teach the service related parameters promoting a business agreement portion. However, in related art,

Art Unit: 2142

Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of promoting a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

45. Regarding claim 42, Baker and Sullivan teach the module wherein the lookup object further comprises a decision function to receive the associated service request parameters and to provide the required connection parameters in response to the associated service request parameters (Baker, col. 6, ll. 18-27).

46. Regarding claim 44, Baker teaches the selection of a network service wherein Baker teaches the selection of a server based on content and server characteristics that teaches on the claimed matchmaking function but does not explicitly teach the service related parameters promoting a business agreement portion. However, in related art, Sullivan teaches the selection of service wherein utilizing subscription data (p. 2, para. 0025) which teaches on the aspect of promoting a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established

subscriptions to enable network services to be selected based on business agreements. One of ordinary skill in the art would have been motivated to combine Sullivan with Baker wherein Sullivan teaches the advantage of providing low cost features and make services more readily available to users (p. 1, para. 0015).

47. Regarding claim 45, Baker and Sullivan teach the module wherein the lookup object further comprises a decision function to receive the associated service request parameters and to provide the required connection parameters in response to the associated service request parameters (Baker, col. 4, ll. 54-67).

Response to Arguments

48. Applicant's arguments filed 26 July 2007 have been fully considered but they are not persuasive.

49. (A) Applicant argues with respect to the independent claims that *Baker* is at least silent on "an automatic selection of a web service based on service parameters obtained via a web services registry" and therefore fails to anticipate claims 1, 12, 19, [35] and 39. The examiner respectfully disagrees.

50. In response to (A), applicant's argument is not found persuasive because Baker teaches what is required by the claim. Baker teaches in Figure 1 and column 5 lines 2-3 the utilization of an authoritative DNS server (111) that is used by a server selection system (113). The server selection system references the authoritative DNS server when making a determination with respect to which multiple servers can provide the content that is required by a client (101). Therefore, Baker teaches a server selection system that utilizing criteria selects an appropriate web server and utilizes an

Art Unit: 2142

authoritative server and therefore teaches the aspect of “an automatic selection of a web service based on service parameters obtained via a web services registry” as required by independent claims 1, 12, 19, 35 and 39.

51. (B) Applicant argues further that Baker is at least deficient in describing “selecting the best web service from a plurality of web services that may offer different types of services” as reflected in applications interfaces of the web services. The examiner respectfully disagrees.

52. In response to (B), applicant’s arguments is not found persuasive because Baker teaches what is required by the claim. Baker teaches on the aspect of selecting the best web service from a plurality of web services in column 5, lines 23-26 wherein Baker teaches the utilization of a server selection system (113) to determine from a plurality of servers (i.e. servers 115, 117, 119 and 121) which servers can provide the content as requested by the client (101). The claim requires that at least one web service be selected based on a criterion set forth by a requesting client. Baker is within the scope of the claim wherein Baker explicitly teaches in column 5, lines 24-30 the selection of web servers as long as the server can provide the content that the client is seeking.

53. (C) Applicant argues further that *Baker* [is] also silent regarding “a service request that contains a service related parameter used to select the most compatible service” and “selecting the network service whose service parameters provide the greatest compatibility with the one or more service related parameters.” The examiner respectfully disagrees.

Art Unit: 2142

54. In response to (C), applicant's arguments is not found persuasive because Baker teaches what is required by the claim. Applicant admits that Baker does teach the use of a DNS request being sent from a client to obtain the address of a content server (Baker, col. 4, ll. 47-53). It should be understood that Baker teaches in column 5, lines 1-6 and column 5, lines 24-30 the utilization of this request to determine which web server(s) are determined to be most appropriate to fulfill the client's request. Because Baker teaches the utilization of a service related parameter, a DNS request which accurately describes the content which is being sought, then Baker teaches the usage of a service request that contains a service related parameter used to select the most compatible service and further the selection of a network service whose service parameters provide the greatest compatibility with the one or more service related parameters.

55. (D) Applicant argues with respect to the combination of *Baker* with *Sullivan* that the combination of the references does not teach or suggest all of the limitations. Specifically, applicant argues that (i) Sullivan "does not describe such requests any business agreement portion that describes a component that has a business agreement with an application." Applicant argues further that (ii) Sullivan fails to cure the deficiencies of Baker regarding "a web services registry that facilitates determining service parameters that describe application interfaces of the plurality of service components." The examiner respectfully disagrees with the applicant's position.

56. With respect to (D)(i), in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references

Art Unit: 2142

individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). As set forth in the rejection, Sullivan is not relied upon for teaching an explicit service request including service parameters having a business agreement portion. Baker is relied upon for the utilization of a service request and when combined with what is taught by Sullivan, the combination as set forth in the above rejections teaches on the aspect of having a business agreement portion. It would have been obvious to one of ordinary skill in the art at the time of the applicants' invention to combine the teachings of Baker, the selection of services, with what was taught by Sullivan, specifically the selection of services based on established subscriptions to enable network services to be selected based on business agreements and also enable the initiation of business agreements with a user.

57. With respect to (D)(ii), applicant's arguments are not found persuasive because Sullivan is not relied upon for teaching "a web services registry that facilitates determining service parameters that describe application interfaces of the plurality of service components." Baker is relied upon for teaching this aspect of the applicant's invention wherein Baker teaches in column 5, lines 1-6 and figure 1 the utilization of an authoritative server which is used by a server selection system when determining the most appropriate server.

Conclusion

58. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached as follows: First week: Monday (5:30am-10:00am; 5:00pm-8:30pm), Tuesday (1:00pm-8:00pm), Wednesday (5:30am-8:30am; 1:00pm-8:00pm), Thursday (1:00pm-8:00pm). Second Week: Tuesday (1:00pm-8:00pm), Wednesday (5:30am-8:30am; 1:00pm-8:00pm), Thursday (1:00pm-8:00pm), Friday (5:30am-10:00am). The examiner teleworks every First Friday and Second Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa



ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER